

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA**

Roanoke Division

SHEBRI STACY DILLON, No. 1747708

Petitioner,

v.

Civil Action No. 7:22cv00215

**DIRECTOR,
DEPARTMENT OF CORRECTIONS,**

Respondent.

**RESPONDENT'S RULE 5 ANSWER
AND MOTION TO DISMISS**

The Respondent, by counsel, pursuant to Rule 5, Rules Governing Section 2254 Cases, moves the Court to dismiss Shebri Stacy Dillon's petition for a writ of habeas corpus.

1. The reasons requiring dismissal without prejudice are set forth in the accompanying brief that is incorporated by this reference.
2. Each and every allegation not expressly admitted should be taken as denied.
3. The reasons for dismissal of the petition are ascertainable from the record and the applicable law without the need of an evidentiary hearing. *See* 28 U.S.C. § 2254(d) and (e).
4. The petitioner's state court records have been requested and will be forwarded to this Court.

WHEREFORE, the Respondent prays that the petition for a writ of habeas corpus be dismissed without prejudice and without an evidentiary hearing.

Respectfully submitted,

DIRECTOR,
DEPARTMENT OF CORRECTIONS,
Respondent

/s/

Craig W. Stallard
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CERTIFICATE OF SERVICE

I certify that on June 23, 2022, I electronically filed the foregoing Motion to Dismiss and Rule 5 Answer with the Clerk of the Court using the CM/ECF system; and I certify that I have mailed the document and a copy of the Notice of Electronic Filing (NEF) by United States Postal Service to: Shebri Stacy Dillon, No. 1747708, Fluvanna Correctional Center, 144 Prison Lane, Troy, Virginia 22974, petitioner, *pro se*.

By: /s/
Craig W. Stallard
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